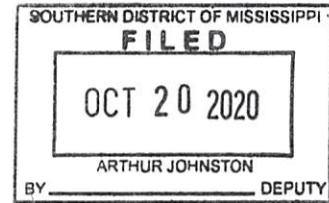


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION



CYNTHIA SHIRLEY

PLAINTIFF

VS.

CAUSE NO. 3:20-cv-672-DPJ-FKB

LARRY S. SMITH and K-3 RESOURCES LP

DEFENDANTS

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COMPLAINT  
(Jury trial is hereby requested)

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COMES NOW, Plaintiff, Cynthia Shirley, and files this her Complaint against the Defendants, Larry S. Smith and K-3 Resources, LP, and will show the following facts unto the court, to-wit:

1. That Cynthia Shirley is an adult resident citizen of Madison County, Mississippi.
2. That based upon information and belief the Defendant, Larry S. Smith, is an adult resident citizen of Texas. As a non-resident motorist, process may be served upon this Defendant by serving with private process or via certify mail at his address, 2199 St Hwy 49, Jefferson, TX 75657.
3. That based upon information and belief the Defendant, K-3 Resource LP, is a foreign corporation with its principal place of business in Texas and may be served with process via its service of process agent Karlis Ercums III, at 850 County Rd, Alvin, Texas 75511, pursuant to the Federal Rules of Civil Procedure.

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## **JURISDICTION AND VENUE**

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4. Pursuant to 28 U.S.C. § 1332, the above-entitled action is a civil action for damages over which this Court has original jurisdiction by reason of the complete diversity of citizenship between the properly joined parties and the matter, in controversy being in excess of the sum or value of \$75,000.00, exclusive of interest and costs, as evidenced from the allegation contained in this complaint.
5. Venue is proper in this Court as the incident complained of herein occurred in Rankin County, Mississippi.

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## **FACTS**

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6. That on or about April 9, 2019, the Plaintiff, was travelling east on I-20 in Rankin County, Mississippi, going to work.
7. At the aforesaid date and place, Defendant, Larry S. Smith, driving for K-3 Resources LP was travelling east on I-20 in Rankin County, Mississippi, collided with Plaintiff's vehicle from the rear.
8. Plaintiff's vehicle, due to the collision from the rear, was forced off I-20 to the right hand side causing a frontal impact into a tree on the side of I-20.
9. Due to the impact, Plaintiff became unconscious and was taken to the hospital for both temporary and severe injuries to her body to

which she had to seek medical treatment and cause a loss of income.

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### **CLAIMS FOR RELIEF**

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10. That the Defendant, at said time, date and place of said collision, was guilty of negligent and/or grossly negligent acts and/or omissions which were the direct and/or proximate cause and/or result of the said accident, resulting in injuries and damages to the Plaintiff, in one or more of the following ways, to-wit:
  - a. Failure to keep Defendant's vehicle under safe, reasonable and proper control,
  - b. Failure to keep vehicle at a safe, reasonable and proper distance,
  - c. Failure to maintain a due and proper look out ahead in the direction in which he was driving;
  - d. Failure to bring his vehicle under control and to stop the same when there was sufficient time and distance for him to do so before striking Plaintiff's vehicle from the rear end;
  - e. Failure to do all other reasonable acts necessary to prevent said accident from occurring, and,
  - f. By other acts and omissions to be revealed during the course and scope of discovery of this civil action and to be shown at the trial of this cause.

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## DAMAGES

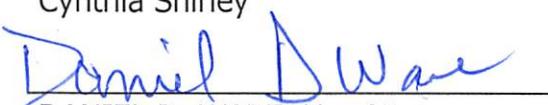
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11. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation contained in the above paragraphs and further alleges.
12. That by reason of and as a direct and proximate cause and/or result of the aforesaid negligence of the said Defendants, the said Plaintiff was struck with such great force and impact that it caused Plaintiff severe injuries to her body and physical and mental stress, worry and anxiety.
13. Also, that by reason of and as a direct and proximate cause and/or result of the aforesaid negligence of said Defendants, Plaintiff sustained, without limitation, severe, temporary and permanent physical injury, severe injuries to her neck, fracture of sternum, shoulder, back and other parts of her body; she also suffered headaches, physical and mental stress, and past, present and future physical, emotional and mental pain, anguish and suffering, and, these injuries are both temporary in nature, all of which she is entitled to recover for.
14. That as a further direct and proximate cause and/or result of said collision, Plaintiff was injured to such an extent that it was necessary for her to incur and she will continue to incur in the future, doctor bills, hospital bills, prescription drug bills, and other

incidental bills and expenses associated to her said injuries, all of which, she is entitled to recover for.

WHEREFORE, Plaintiff demands judgment of and from the above-named Defendants, jointly and severally for both actual/compensatory damages in the amount of \$250,000.00 to reasonably compensate Plaintiff for her injuries and damages, together with pre-judgment and post-judgment interest, and all costs of Court.

Respectfully submitted,

Cynthia Shirley  
By:   
DANIEL D. WARE, Her Attorney

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